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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID AND NATASHA WIT, et al.,

Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH,

Defendant.

GARY ALEXANDER, et al.,

Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH,

Defendant.

Case No. 3:14-CV-02346-JCS
Related Case No. 3:14-CV-05337-JCS

**JOINT CASE MANAGEMENT
STATEMENT**

Date: October 21, 2022
Time: 2:00 p.m.
Judge: Hon. Joseph C. Spero

1 Pursuant to Civil Local Rule 16-10(d) and the Court's June 16, 2022 Civil Minute Order
2 (*Wit* ECF No. 588), Plaintiffs and Defendant, by and through their respective counsel, submit the
3 following Joint Case Management Statement. The parties' last Joint Case Management Statement
4 was filed March 18, 2022. (ECF No. 581.)

5 **I. Status of Appellate Proceedings**

6 UBH appealed the injunction and final judgment; the appeals were consolidated by the
7 Court of Appeals on February 12, 2021. Briefing on the appeal was completed on June 2, 2021,
8 and the Court of Appeals heard oral argument on August 11, 2021. On March 22, 2022, the Court
9 of Appeals entered a Memorandum disposition of the appeal reversing the Judgment. Plaintiffs
10 filed a Petition for Panel Rehearing and Rehearing En Banc ("Petition for Rehearing") on May 5,
11 2022. Defendant filed a response to the Petition for Rehearing on June 16, 2022 and Plaintiffs
12 filed a reply on June 23, 2022. The Petition for Rehearing is currently pending.

13 UBH also appealed the Court's January 5, 2022 Order Granting in Part and Denying in
14 Part Plaintiffs' Petition for Attorneys' Fees and Costs (ECF No. 569). The Court of Appeals
15 stayed the briefing schedule on that appeal until resolution of the merits appeal, No. 20-17363.
16 The parties have agreed that the fee appeal should remain in abeyance pending the resolution of
17 the Petition for Rehearing.

18 **II. Status of Remedial Proceedings**

19 On March 28, 2022, this Court entered a Stipulation and Order staying the Remedies
20 Order and further proceedings before the Special Master, including the Special Master's First
21 Order and the Special Master's Second Order, and any enforcement thereof pending the issuance
22 of mandate from the Ninth Circuit on the merits appeal.

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1 Respectfully Submitted:

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3 Dated: October 17, 2022

ZUCKERMAN SPAEDER LLP

4 /s/ Caroline E. Reynolds

5 Caroline E. Reynolds
Adam Abelson

6 PSYCH-APPEAL, INC.
7 Meiram Bendat

8 *Attorneys for Plaintiffs*

9 Dated: October 17, 2022

CROWELL & MORING LLP

10 /s/ Andrew Holmer

11 Jennifer S. Romano
12 April N. Ross
Nathaniel P. Bualat
Andrew Holmer

13 *Attorneys for Defendant United Behavioral Health*

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15 **ATTESTATION**

16 Pursuant to Civil Local Rule 5-1(h)(3) regarding signatures, I attest that concurrence in
17 the filing of this document has been obtained from the other signatories.
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19 Dated: October 17, 2022

20 /s/ Caroline E. Reynolds
Caroline E. Reynolds